

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Jane C. Avery

v.

Civil No. 09-cv-265-JD

Robert W. Hughes

Procedural Order

Jane C. Avery moved to reopen this case to enforce the judgment entered against Robert W. Hughes in October of 2010. The case was reopened, and a hearing was held on June 12, 2013, to address Hughes' ability to pay the judgment. Because the parties were relying on a financial affidavit that Hughes completed for another purpose in April of 2009, the issue could not be resolved at that time.

The court ordered Hughes to complete a financial affidavit on the form provided, as required under RSA 524:6-a and the Superior Court Rule providing procedures for RSA 524:6-a. See Fed. R. Civ. P. 69(a)(1). The court granted Hughes leave to supplement the affidavit form with such explanations as he deemed appropriate and to file the affidavit within a week of the hearing. Hughes has filed the affidavit.

The court notes that property listed on the 2009 affidavit at Schedule D with a market value of \$600,000 is not listed on

the 2013 affidavit. In addition, Hughes now owes \$100,000 with interest to his father.

Avery's motion relies on financial information from 2009. To address Hughes's ability to pay the judgment, it is necessary to consider his current financial situation.

Conclusion

For the foregoing reasons, the plaintiff shall file an amended motion to enforce the judgment **on or before July 12.**

2013. The defendant shall have **10 days** from the date the amended motion is filed to file a response. A hearing will be scheduled to address the amended motion and the response.

The court expects the parties to continue discussing a resolution of this matter.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

June 24, 2013

cc: Laurie R. Bishop, Esquire
Martin P. Honigberg, Esquire
Christopher James Pyles, Esquire
William C. Saturley, Esquire